



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 23, 2014

The Honorable Denise Cote
United States District Judge, Southern District of New York
500 Pearl Street, Room 1610
New York, NY 10007

Via ECF

Re: *Texas, et al. v. Penguin Group (USA) Inc., et al.*, No. 12-cv-3394 (DLC); *In re: Electronic Books Antitrust Litig.*, No. 11-md-02293 (DLC)

Dear Judge Cote:

The Plaintiff States, like the Class Plaintiffs, oppose Apple's request for an administrative stay of the dissemination to eligible consumers of notice of these actions. Despite Apple's repeated characterization of the notice as "class notice," the notice approved by the Court is also addressed to consumers in the Plaintiff States, who are not class members but, rather, are represented by the States in their *parens patriae* capacity. As noted in the States' opposition to Apple's stay motion, these consumers are statutorily entitled to notice of this litigation, which will proceed regardless of the outcome of Apple's Rule 23(f) petition in the Court of Appeals. See ECF No. 491 at 1-2. And Apple has utterly failed to identify any irreparable harm that will arise from the dissemination of notice.

Plaintiff States concur with Class Plaintiffs that, if any stay is issued, the feasibility of a July 14 trial is significantly decreased. The Court should not countenance Apple's latest effort to further delay a jury's determination of the damages caused by Apple's illegal conduct.

Respectfully

Eric Lipman
Assistant Attorney General
Antitrust Section
(512) 463-1579
(512) 320-0975 (fax)
eric.lipman@texasattorneygeneral.gov